

Appl. No. : 09/784,699
Filed : February 14, 2001

REMARKS

The June 16, 2004 Office Action was based upon pending Claims 1-45. This Amendment amends Claims 1, 2, 4-6, 9, 11, 13, 14, 16, 17, 19-21, 24, 26, 28, 29, 31, 32, 34-36, 39, 41, 43 and 44. Thus, after entry of this Amendment, Claims 1-45 are pending and presented for further consideration.

In the June 16, 2004 Office Action, the Examiner rejected Claims 1, 16 and 31 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Further, the Examiner rejected Claims 1-9, 11-14, 16 and 31 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,687,745 to Franco, et al. (the "Franco patent").

In addition, the Examiner rejected Claims 10 and 15 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,735,631 to Oehrke, et al. ("the Oehrke patent").

The Examiner also asserted that Claims 17-30 and 32-45 do not teach or define any additional limitation over Claims 1-16 and 31 and therefore rejected these claims for similar reasons.

Applicant would like to thank the Examiner for the interview extended to Mr. Clay Cover and Applicant's counsel of record, John R. King, on October 5, 2004. During the interview, the Examiner agreed that Claim 1 was different than the cited references. Reconsideration of the pending claims, as amended, is therefore respectfully requested.

Rejection of Claims 1, 16 and 31 under 35 U.S.C. § 112, Second Paragraph

The Examiner rejected Claims 1, 16 and 31 under 35 U.S.C. § 112, second paragraph. In particular, the Examiner stated that the term "in the same manner as if" was indefinite in Claims 1, 16 and 31. In response, Applicant has deleted this term from Claims 1, 16 and 31. Therefore, Applicant respectfully request withdrawal of the rejection of Claims 1, 16 and 32 under 35 U.S.C. § 112, second paragraph.

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Rejection of Claims 1-9, 11-14, 16 and 31 under 35 U.S.C. § 102(e)

The Examiner rejected Claims 1-9, 11-14, 16 and 31 under 35 U.S.C. § 102(e) as being anticipated by the Franco patent. As discussed in the interview, the claims were amended to clarify that the Claims are directed to a streamed application program. Applicant therefore respectfully submits that independent Claims 1, 16 and 31 are patentably distinguished over the cited references and Applicant respectfully requests allowance of Claims 1, 16 and 31.

Claims 2-9, 11-14 which depend from Claim 1, are believed to be patentable for the same reasons articulated above with respect to Claim 1, and because of the additional features recited therein.

Rejection of Claims 10 and 15 under 35 U.S.C. § 103

The Examiner rejected Claims 10 and 15 under 35 U.S.C. § 103(a) as being unpatentable over the Oehrke patent. Claims 10 and 15 which depend from Claim 1, are believed to be patentable for the same reasons articulated above with respect to Claim 1, and because of the additional features recited therein.

Rejection of Claims 17-30 and 32-45

The Examiner also asserted that Claims 17-30 and 32-45 do not teach or define any additional limitation over Claims 1, 16 and 31 and therefore rejected these claims for similar reasons. Applicant notes that Claims 17-30 and 32-45 are of different scope. Also, Claims 17-30 and 32-45 which depend from Claims 1, 16 and 31 are believed to be patentable for the same reasons articulated above with respect to Claims 1, 16 and 31 and because of the additional features recited therein.

Supplemental Information Disclosure Statement

Submitted concurrently herewith is a Supplemental Information Disclosure Statement and form PTO-1449 citing a number of new references which have come to Applicant's attention. In addition, Applicant has identified a number of related pending applications. While the Applicant does not believe that these references will affect the

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patentability of the pending claims, Applicant respectfully requests the Examiner to consider the pending claims in connection with these references in order to make them of record.

Conclusion

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: 10/14/04

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